

Read first time, and referred to Committee on Finance.

Senate being full, the call was suspended, and the yeas and nays being called upon ordering the main question, it was ordered by the following vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cook, Coppedge, Foscue, Guinn, Jowers, Knox, Littleton, McDade, Nelson, Neyland, Record, Reed, Sautley and Truitt—20.

NAYS—Senators Cooley, Dalrymple, Parker, Shannon, Selman, Shelley, Stoll and Yarbrough—8.

Bill passed to a third reading.

Upon motion of Senator Foscue the Senate adjourned until to-morrow morning, at 9 o'clock.

SENATE CHAMBER, }  
October 2, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Selman presented a memorial from the Railroad Convention assembled at Tyler on the 11th ult.; and

Upon motion of Senator Burney, it was referred, without reading, to Committee on Internal Improvements.

Also presented a memorial of citizens of Smith county; and introduced a bill to incorporate the Tyler Manufacturing Company, which, upon motion of Senator Guinn, was referred to Committee on Commerce and Manufactures.

Senator Parker made the following report:

*Hon. G. W. Jones, President of the Senate:*

The Committee on Enrolled Bills have examined the following, viz:

A bill to be entitled "An act granting a charter to build a toll bridge across East Fork of the Trinity river."

A bill to be entitled "An act to grant a charter to A. Reecer to build a toll bridge across Sister Grove Creek, at or near where the McKinney and Farmersville road crosses said creek in the county of Collin," and find the same correctly enrolled and properly signed, and have presented them to the Governor for his approval.

F. J. PARKER, Chairman.

Senator Guinn, Chairman of Committee on Finance, reports and recommends the adoption and passage of a substitute in lieu of original joint resolution for the relief of J. F. Lund.

Also reports as follows :

*Hon. G. W. Jones, President of the Senate :*

The Committee on Finance have examined a bill to be entitled "An act to authorize the Police Courts of Atascosa county to levy a special tax to build a court house and jail;" and I am instructed to say that the committee have no objection to the passage of the bill, but are of opinion that the House bill now before the Senate, authorizing all the counties in the State to levy a tax for these purposes will, if passed, obviate the necessity of action upon this bill, and therefore recommend that no further action be taken upon it for the present.

R. H. GUINN, Chairman.

Also reports :

*Hon. G. W. Jones, President of the Senate :*

The Finance Committee instruct me to report adversely to the passage of a bill donating to the county of Bexar the State tax for 1867 and 1868. The same reasons which would justify this grant to one county would with propriety be urged by others.

R. H. GUINN, Chairman.

Also submitted the following report :

*Hon. G. W. Jones, President of the Senate :*

The Committee on Finance have had under consideration a bill to relinquish the State tax for 1867 to the county of Marion, and also the accompanying petition of citizens of Marion county, and instruct me to recommend that the prayer of petitioners be not granted, and that the bill do not pass. The financial condition of the country forbids the relinquishment of the State tax to any county.

R. H. GUINN, Chairman.

Also reports and recommends the passage of a bill for the relief V. Vollmer, assessor and collector of Medina county.

Senator Truitt, Chairman of Committee on Private Land Claims, reports and recommends the passage of a bill for the relief of the heirs of Daniel P. Coit.

Senator Foscue made the following report :

*Hon. G. W. Jones, President of the Senate :*

The Finance Committee, to whom was referred the House bill No. 112, to be entitled "An act to provide for the assessment and collection of a tax upon dogs, have had the same under consideration, and the committee are of the opinion that the provisions of the bill ought to be general, and not confined to a few coun-

ties, as the bill before the committee proposes. They have accordingly instructed me to bring in a bill applicable to all the counties of the State, which bill, however, leaves it discretionary with each Police Court to levy the tax or not, as the situation and circumstances of each county may seem to require. The accompanying substitute is therefore reported to the Senate, with a recommendation that it be adopted and passed, in lieu of the original House bill. F. F. FOSDICK, one of the Committee.

Senator Braswell made the following report:

*Hon. G. W. Jones, President of the Senate:*

The Committee on Internal Improvements, to whom was referred the House bill to be entitled "An act to incorporate the Orange, Jasper and Henderson Railroad Company," having considered the same, instruct me to report it back, and recommend its passage, with the following amendments:

Insert in the 5th Section, in the sixth line from the bottom, between the words "Company" and "a," the words "the acts of." Insert in the fourth line of the 13th Section, after the words "thereafter," the words "twenty-five miles of road." In the fifth line of same section, strike out the words, "of stock," and insert after the word "certificates" for land.

S. N. BRASWELL, Chairman.

Senator Record, Chairman of Judiciary Committee, reports and recommends the passage of a bill to provide for the employment of convicts in county jails.

Also reports and recommends the passage of a bill amendatory of an act to punish certain offences committed on Sunday, approved December 16, 1865, with the following amendment: Amend: strike out Section 5.

Also reports:

*Hon. G. W. Jones, President of the Senate:*

The Judiciary Committee, to whom was referred a bill to be entitled "An act to provide for the compensation of Jurors," have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendments, and when so amended, recommend its passage:

Amend Section 1 by striking out the words "payable in specie or its equivalent in the currency."

J. K. P. RECORD, Chairman.

Also reports and recommends the passage of a bill to be entitled "An act to repeal certain existing acts therein named."

Also reports and recommends the passage of House bill No. 82, authorizing the surveyor of Dallas county to transcribe the records of his office.

COMMITTEE ROOM, }  
September 27th, 1866. }

*Hon. G. W. Jones, President of the Senate :*

The Judiciary Committee, to whom was referred House bill No. 96, to be entitled "An act to organize and define the powers of a Court of criminal jurisdiction for the counties of Galveston and Harris, and to prescribe the duties thereof, have had the same under consideration, and have instructed me to report the same back to the Senate, and to recommend its passage with the following amendments :

In section 2, strike out all after the word "mandamus," in the third line from the top. In section 4, third line from the top, strike out "November," and insert "December." In same section, strike out "December," and insert "January." In 6th line of same section, strike out "six," and insert "seven."

Strike out section 6, and insert : Sec. 6. The District Courts of Galveston and Harris counties shall retain and have jurisdiction of all criminal causes which may be pending in said Courts when this act takes effect, unless the same are transferred and disposed of in the manner herein provided. At the first term of the District Court, holden in said counties respectively, after this act takes effect, the Court shall, in each criminal cause, where the defendant appears in person, cause an order to be entered in the records of the Court transferring such cause to the Criminal Court of the same county ; and the defendant, or defendants, so appearing, shall be required by the same order to enter into bond or recognizance in such sum as the said District Court may determine, with sureties satisfactory to the Court, conditioned that the defendant, or defendants, shall appear before the Criminal Court of the same county, on the first day of the next term thereof, and answer to the indictment in the said cause, and remain from day to day, and from term to term, in said Criminal Court, until the cause is disposed of, and abide the order of the Court therein ; and in case any defendant shall neglect or refuse to enter into such bond or recognizance, he shall be, by order of the Court, immediately committed to the jail of the county, there to remain until he shall enter into such bond or recognizance, or shall be thence discharged by due course of law ; and it shall be the duty of the clerks of the District Courts of said counties, immediately after the transfer of any cause to said Criminal Courts, to furnish to the clerks thereof all the papers in the District Court pertaining to such cause, and a certified copy of all orders, and other proceedings relating thereto ; and it shall be the duty of the clerk of said Criminal

Court to enter the same on the docket of said Court the same as original causes, together with all the orders made therein in the District Court; and thereupon, the said Criminal Court shall have as full power to hear, try, and determine the said cause, as if the same had been originally commenced therein; and in all cases of indictment heretofore found in the District Courts of said counties of Galveston and Harris, in which the defendant, or defendants, have not been arrested, the clerk of the District Court in which such indictment has been found, shall immediately transfer the same to the Criminal Court of the same county, and all process in said cases shall thereafter issue from, and be returnable to, said Criminal Court; and whenever a defendant in such indictment shall be arrested, he may, in all bailable cases, give bail for his appearance at the next term of said Criminal Court, and in default thereof, shall be committed to the jail of the county, and there kept, to abide the order of said Criminal Court.

In section 7, third line, strike out "October," and insert "November;" also strike out all after the word "election," in the 6th line, and insert, "on the first Monday in August, in the year one thousand eight hundred and seventy, on which day, and at the general election every four years thereafter, there shall be an election for Judge of said Courts; and the Judge shall hold his office until his successor is elected and qualified, and shall receive the same salary as Judges of the District Courts."

In section 8, strike out the words "next preceding the expiration of four years from the time of his election, and until his successor is qualified, and thereafter, for the term of four years," and insert, "on the first Monday in August, in the year one thousand eight hundred and seventy, on which day, and at the general election every four years thereafter, there shall be an election for District Attorney for said Court; and the District Attorney shall hold his office until his successor is elected and qualified."

And, in section 15, second line from the top, strike out "Court," and insert "code."

All of which is respectfully submitted.

J. K. P. RECORD, Chairman.

Also reports:

*Hon. G. W. Jones, President of the Senate:*

The Judiciary Committee, to whom was referred House bill, No. 94, entitled "An act to amend an act, entitled an act to regulate proceedings in cases of forcible entry and detainer, approved March 15th, 1848," have had the same under considera-

tion, and have instructed me to report the same back to the Senate, with the following amendments, and when so amended, to recommend its passage. Amend as follows :

In section 4, 13th line from the top, strike out the words, "to remove the case." In line 14, same section, strike out the words, "by certiorari." In line 19, same section, strike out the word "certiorari," and insert, "appeal to the District Court." In same section, 3d and 4th lines from the bottom, strike out the words "writ of certiorari," and insert "appeal." Strike out all of section 6.

J. K. P. RECORD, Chairman.

Senator McDade, for the Committee on Internal Improvements, reports and recommends the passage of a bill to authorize H. W. Davis, of Hays county, to erect a dam across the San Marcos river, in Hays county.

Senator Stell, Chairman of Committee on State Affairs, reports and recommends the passage of a bill to incorporate the town of Lampasas.

Senator Stell also reports and recommends the passage of a bill to incorporate the town of Carthage, in Panola county.

Also reports and recommends the passage of a House bill to incorporate the El Paso Irrigation, Manufacturing Company, with the following amendments: Insert the names of Samuel A. Maverick and A. F. French, in section 1st, in 2d line, immediately after the name "Munson."

Senator Jowers introduced a bill for the relief of the heirs of Ross M. Bridges, deceased.

Read first time, and referred to Committee on Private Land Claims.

Senator Guinn introduced a bill preparatory to the establishment of a new State within the present territorial limits of the State of Texas.

Read first time, and referred to Committee on State Affairs.

Senator Saufley introduced a bill to establish a Branch Penitentiary.

Read first time, and referred to Committee on State Affairs.

Senator Bumpass introduced a bill to be entitled "An Act to cause the police courts of the several counties of this State to provide, care for and educate the destitute children of soldiers who are disabled from disease or wounds received, or who have died or been killed in the army of the Confederate States.

Read first time and referred to Committee on Education.

Senator Yarbrow introduced a bill to be entitled "An Act supplemental and amendatory of an act passed the 11th of Feb-

ruary, 1854, Art. 266, Part 4th, regulating the pay of Chief Justices and County Commissioners."

Read first time and referred to Committee on Judiciary.

Senator Dalrymple offered the following resolution :

*Resolved*, That the Secretary of the Senate be, and he is hereby directed to obtain from the House of Representatives the portrait painting of Gen. Ed. Burleson, and replace it on the wall on the right of the President's stand, where it belongs.

Adopted.

Senator Burney moved to take up a bill to reorganize County Courts, and define the power and jurisdiction thereof, and that it be made the special order for 11 o'clock to-morrow.

Carried.

Senator Shelley moved to take up the report of Committee of Conference on Houston Direct Navigation Company.

Carried.

Upon motion of Senator Guinn the report was adopted.

A message was received from the House announcing the passage of the following bills :

Bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company.

Bill supplementary to an act to incorporate the East Texas Petroleum and Mining Company, passed at the present session of the Legislature.

Bill to appropriate four hundred dollars for the use of the Supreme Court room.

Bill making an appropriation to furnish the office of the Attorney General of the State with the necessary furniture and stationery.

Bill to amend an act to adopt and establish a Penal Code, with the report of the Committee on Penitentiary recommending a substitute, was taken up, substitute adopted, and upon motion of Senator Randolph, laid upon the table for the present.

### ORDERS OF THE DAY.

House bill to provide for districting the State of Texas into Judicial Districts, on its third reading, was taken up and read third time.

The yeas and nays being called, the bill passed by the following vote :

YEAS—Senators Blount, Boyd, Brown, Bumpass, Burney, Cook, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Record, Reed, Saufley and Truitt—17.

NAYS—Senators Cooley, Dalrymple, Parker, Randolph, Shannon and Shelley—6.

Senator Littleton introduced a bill supplementary to an act entitled "An Act to provide for the re-districting the State into Judicial Districts," and asked that it be referred to a Select Committee of five.

Bill read first time and referred, as requested, to a Select Committee, composed of Senators Littleton, Cook, Jowers, Cooley and Shelley.

Senator Shannon introduced a bill to appropriate money to pay 1st Parker county minute company, commanded by Capt L. L. Tackett.

Read first time and referred to Committee on Finance.

Upon motion of Senator Truitt, House bill to incorporate the town of Carthage, in Panola county, was taken up, read second time and passed to a third reading; rule suspended, read third time by caption and passed.

Upon motion of Senator Guinn, House bill to authorize the police courts for the several counties in the State, to levy and collect a special tax, was taken up, read second time and passed to a third reading; rule suspended, read third time by caption and passed.

Upon motion of Senator Saufley, bill to revive the incorporation of the town of Linden, in Davis county, formerly Cass county, passed 24th January, 1856, with amendments recommended by the Judiciary Committee, taken up, amendments made.

Bill as amended, read second time and ordered to be engrossed; rule suspended, read third time and passed.

Upon motion of Senator McDade, bill to incorporate the Galveston Bay Bridge Company, was taken up, read second time and ordered to be engrossed; rule suspended, bill read third time by caption and passed by the following two-third vote :

YEAS—Senators Blount, Boyd, Brown, Bumpass, Burney, Cook, Cooley, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—23.

NAYS—None.

Upon motion of Senator Guinn, a bill for establishing and funding the public debt of the State of Texas, and creating an Auditorial Board therefor, with substitute recommended by the Finance Committee, was taken up and substitute adopted.

Senator Shelley moved to amend by inserting the words



"auditing all claims for money against the State, and" after the word "of" in 4th line, 1st section. Amendment made.

Bill as amended, read second time and ordered to be engrossed.

Upon motion of Senator Foscue, a bill to incorporate the Galveston City Railroad Company, with the amendments recommended by the Committee on Internal Improvements, was taken up, amendments made.

Bill as amended, read second time and ordered to be engrossed; rule suspended, read third time by caption and passed by the following two-third vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Foscue, Guinn, Jowers, Littleton, Nelson, Neyland, Parker, Randolph, Reed, Saufley, Shannon, Shelley, Truitt and Yarbrow—20.

NAYS—Senators Bumpass and Cooley—2.

On motion of Senator Neyland, House bill to incorporate the Orange, Jasper and Henderson Railroad Company, with amendments recommended by Committee on Internal Improvements, was taken up, amendments made, and bill as amended, read second time and passed to a third reading.

Rule suspended, read third time by caption, and passed by the following two-thirds vote :

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Burney, Cook, Dalrymple, Foscue, Guinn, Jowers, Littleton, Nelson, Neyland, Parker, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarbrow—21.

NAYS—Senator Cooley—1.

On motion of Senator Shelley, House bill supplementary to an act to incorporate the East Texas Petroleum and Mining Company, passed at the present session of the Legislature, was taken up and read.

On motion of Senator Guinn, rule was suspended, read second time and passed to a third reading.

Rule further suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Boyd, Brown, Bumpass, Burney, Cook, Cooley, Foscue, Guinn, Jowers, McDade, Nelson, Neyland, Parker, Randolph, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarbrow—22.

NAYS—None.

On motion of Senator Shelley, House bill appropriating four hundred dollars for the use of the Supreme Court Room, was taken up and read.

On motion of Senator Guinn, rule suspended, read second time and passed to a third reading; rule further suspended, read third time and passed.

On motion of Senator Shelley, House bill making an appropriation to furnish the office of the Attorney General of the State with the necessary furniture and stationery, was taken up and read.

Senator Cook moved to amend by striking out "four hundred dollars," and inserting "two hundred dollars." The yeas and nays being called, the amendment was made by the following vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Cooley, Coppedge, Foscue, Guinn, Nelson, Neyland, Record, Reed, Selman and Truitt—16.

NAYS—Senators Jowers, Littleton, McDade, Parker, Randolph, Saufley, Shannon, Shelley, Stell and Yarbrow—10.

Bill as amended, read second time and passed to a third reading.

Rule suspended, read third time and passed.

On motion of Senator Stell, House bill to incorporate the Columbus, San Antonio and Rio Grande Railroad Company, on its first reading, was taken up.

And, on motion of Senator Burney, bill was read and referred to Committee on Internal Improvements.

On motion of Senator Braswell, a bill to incorporate the Small Craft Transportation Company, with the substitute recommended by the Committee on Internal Improvements, was taken up.

Substitute adopted, bill read second time and ordered to be engrossed; rule suspended, read third time and passed by the following two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Burney, Cook, Coppedge, Dalrymple, Foscue, Guinn, Jowers, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Saufley, Shelley, Truitt and Yarbrow—21.

NAYS—Senators Bumpass, Cooley, Reed and Shannon—4.

Senator Cooley offered the following resolution :

*Resolved*, That the Committee on Judiciary be instructed to inquire into the expediency and necessity of amending the existing laws relative to elections, in such manner as to adopt the same to the changes in officers and terms of office, effected by the amended Constitution, and report by bill or otherwise.

Resolution adopted.

Bill concerning escheats and proceedings in relation thereto, with amendments recommended by the Judiciary Committee, was taken up, and amendments made.

On motion of Senator Randolph, the following amendment was made :

Add to section 6 :

"Provided that the administrator be, and he is hereby authorized to retain in his possession, as fees for his services, five per cent. on the assets so turned over."

Senator Guinn moved to amend section — as follows :

"Provided, when the report of sale shall show that the property sold does not exceed two thousand dollars, then said notes shall not be placed in the Treasury of the State, but such administrator shall have the right to collect the same and pay the money into the Treasury."

Amendment made, bill as amended read second time and ordered to be engrossed.

On motion of Senator Guinn, rule suspended, read third time and passed.

On motion of Senator Cook, Senator Burney was added to the Committee on State Affairs.

On motion of Senator Guinn, Senator Brown was added to the Committee on State Affairs.

Senator Dalrymple offered the following resolution :

*Resolved*, That the Select Committee, to whom was referred a bill supplemental to "An Act to divide the State into Judicial Districts, be requested to take into consideration, the convenience of all parties interested, as well as the assignment of thirty-two weeks of Judicial labor annually to each Judge, and that the Committee be authorized to increase the number of Judicial Districts, if it be necessary to accomplish this object."

Resolution adopted.

On motion of Senator Guinn, the Senate adjourned until tomorrow morning 9 o'clock.

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SENATE CHAMBER, }  
AUSTIN, Oct. 3, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Upon motion of Senator Neyland, Senator Stell was excused until Monday week.

Senator McDade presented petition of citizens of Austin county. Referred to Judiciary Committee.